

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____	:	
ABDIEL F. AVILA,	:	Civil Action No.: 09-2540 (RBK)
	:	
Plaintiff,	:	
	:	
v.	:	O R D E R
	:	(CLOSED)
STATE OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	
_____	:	

The Court having considered Plaintiff's application to proceed in forma pauperis and file the Complaint without prepayment of fees pursuant to 28 U.S.C. § 1915; and the Court having screened the Complaint to determine whether dismissal is warranted pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A; and for the reasons set forth in this Court's Opinion issued this same day;

It is on this 10th day of August, 2009,

ORDERED that Plaintiff may proceed in forma pauperis without prepayment of the \$350.00 filing fee pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court is directed to file the Complaint in the above-captioned action; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order by regular mail on the Attorney General for the State of New Jersey, and on the warden of the New Jersey State Prison; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee in the manner set forth in this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that in each month that the amount in Plaintiff's account exceeds \$10.00, until the \$350.00 filing fee is paid, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall reference the civil docket number of this action; and it is further

ORDERED that Plaintiff's complaint is hereby DISMISSED, for failure to state a claim upon which relief may be granted and for seeking relief from an immune defendant, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii), and § 1915A(b)(1) and (2); and it is further

ORDERED that the Clerk of the Court shall CLOSE this case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge